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CAUSE NO. **C-0414-16-C**

MARTIN ALFARO JR. AND	§	IN THE DISTRICT COURT
ABIGAIL NORIEGA, INDIVIDUALLY	§	
AND AS NEXT FRIENDS OF XXXXX	§	
XXXXXX AND XXXX XXXXXX,	§	
Plaintiffs,	§	
	§	
VS.	§	<u>134<sup>th</sup></u> JUDICIAL DISTRICT
	§	
YAHYESALAD MAALIN AND	§	
BLUE STAR FREIGHT, L.L.C.	§	
D/B/A BSF LOGISTICS AND SAHAN	§	
TRANSPORT, L.L.C.	§	
Defendants.	§	HIDALGO COUNTY, TEXAS

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**PLAINTIFFS' ORIGINAL PETITION AND FIRST SET OF DISCOVERY REQUESTS**

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TO THE HONORABLE JUDGE OF SAID COURT:

Come Now Martin Alfaro, Jr. And Abigail Noriega, Individually and as next friends of XXXXX XXXXXX and XXXX XXXXXX, hereinafter referred to as Plaintiffs, complaining of and about Yahye Salad Maalin, Blue Star Freight, L.L.C. d/b/a BSF Logistics and Sahar Transport, L.L.C. hereinafter referred to as Defendants, and for causes of action files this Plaintiffs' Original Petition and First Set of Discovery Requests. In support thereof, Plaintiffs respectfully show unto the Court the following:

**A. Discovery Control Plan**

1.1 Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.

**EXHIBIT A**

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**B. Parties and Service**

2.1 Plaintiffs are individuals residing in Hidalgo County, Texas.

2.2 Defendant Blue Star Freight, L.L.C. d/b/a BSF Logistics is a trucking company duly registered with the Federal Motor Carrier Safety Administration (FMCSA) under USDOT number 2510612 to operate in the United States, and is a company doing business and operating its tractor trailers in the State of Texas. Defendant may be served with process by serving its registered agent for service of process at 100 E. Campus View Blvd., Columbus, Ohio 43235. Service of this Defendant will be effected by private civil process server.

2.3 Defendant Sahian Logistics, L.L.C. is a trucking company doing business and operating its tractor trailers in the State of Texas. Defendant may be served with process by serving its registered agent for service of process at 100 E. Campus View Blvd., Columbus, Ohio 43235. Service of this Defendant will be effected by private civil process server.

2.4 Defendant Yahya Salah Maalin is an individual residing in Houston, Harris County, Texas. This defendant may be served with process at his place of employment, 100 E. Campus View Blvd., Columbus, Ohio 43235 or his residence, 6233 Gullfian Street, Apartment 3224, Houston, Texas 77081. Service will be effected by private civil process server.

**C. Jurisdiction and Venue**

3.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

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3.2 This Court has *in personam* jurisdiction over the Defendant because, at the time of the events and conditions giving rise to this lawsuit and/or at the time this lawsuit was filed, the Defendant was a resident of Texas, and/or was organized under the laws of Texas, and/or maintained a certificate of authority from the Texas Secretary of State to conduct business in Texas, and/or maintained a principal place of business in Texas, and/or maintained a registered agent in Texas, and/or was doing business in Texas, and/or solicited business in Texas from Texas residents, and/or marketed and advertised in Texas to Texas residents, and/or contracted in Texas with Texas residents, and/or committed torts in whole or in part in Texas, and/or recruited Texas residents for employment, and/or maintained continuous and systematic contacts with Texas, and/or is generally present in Texas, and/or otherwise has the requisite minimum contacts with Texas, has purposefully availed itself of the privileges and protections of Texas law, and could reasonably expect to be sued in Texas.

3.3 This Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits.

3.4 Venue is proper in Hidalgo County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the acts or omissions giving rise to Plaintiff's cause of action occurred in Mission, Hidalgo County, Texas.

**D. Facts**

4.1 On or about September 18, 2015, Plaintiffs and their minor children suffered injuries and other damages when the vehicle in which they were riding was struck by tractor trailer operated by Yahye Salad Maalin and owned or operated by Defendants Blue

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Star Freight, L.L.C. and Sahari Transport, L.L.C. At the time of the collision Yahwe Salad Maalin was acting in the course and scope of his employment with Defendants.

**E. Cause of Action**

5.1 The statements above and below are incorporated and adopted by reference as if set forth verbatim here:

**Court One - Negligence**

5.2 At the time of the collision, Yahwe Salad Maalin was operating his vehicle negligently. Yahwe Salad Maalin had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Yahwe Salad Maalin breached that duty in one or more of the following ways:

- a. Failing to maintain a single lane;
- b. Failing to operate his vehicle at a safe speed;
- c. Failing to yield the right of way;
- d. Failing to timely apply his brakes;
- e. Failing to maintain a proper lookout; and/or
- f. Driver inattention.

Yahwe Salad Maalin's negligence was a proximate cause of Plaintiffs' injuries and damages. At the time of the collision Yahwe Salad Maalin was acting in the course and scope of his employment with Defendants Blue Star Freight, L.L.C. and/or Sahari Transport, L.L.C.

**F. Vicarious Liability/Respondeat Superior**

6.1 The statements above and below are incorporated and adopted by reference

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as if set forth verbatim here:

6.2 At the time of the collision, Yahwe Salad Maahin was an employee of Defendants Blue Star Freight, L.L.C. and Sahar Transport, L.L.C., and was acting in the course and scope of his employment with Defendants Blue Star Freight, L.L.C. and Sahar Transport, L.L.C. Plaintiff therefore invokes the doctrines of vicarious liability and/or respondeat superior against Defendants Blue Star Freight, L.L.C. and Sahar Transport, L.L.C., holding Defendants responsible and liable for all of Yahwe Salad Maahin's negligent acts and omissions as stated herein.

#### **G. Damages**

7.1 Plaintiff seeks damages in an amount that is within the jurisdictional limits of this Court. Plaintiff seeks monetary damages in excess of one million dollars.

#### **H. Conditions Precedent**

8.1 All conditions precedent have been performed or have otherwise occurred.

#### **I. Request for Disclosure**

9.1 Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that all Defendants disclose the information or material described in Rule 194.2(a) through (f) within fifty (50) days of the service of this Plaintiff's Original Petition and First Set of Discovery Requests.

#### **J. Discovery Requests**

10.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendants Blue Star Freight, L.L.C. and Sahar Transport, L.L.C. serve responses to the attached Plaintiffs' First Set of Interrogatories and Requests for Production, attached hereto,

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within fifty (50) days of the service of this Plaintiff's Original Petition and First Set of Discovery Requests;

**K. Prayer**

Pl. I. *Wherefore, premises considered, Plaintiff respectfully prays that the Defendants Yabwe Salad Martin, Blue Star Freight, L.L.C. and Sahian Transport, L.L.C. be cited to appear and answer herein, and that Plaintiff have judgment against Defendants for the following:*

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Lost wages in the past and future;
- f. Property damage and loss of use;
- g. Costs of suit;
- h. Pre-judgment and post-judgment interest; and
- i. All other relief, in law and in equity, to which Plaintiff may be justly entitled.

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Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**